

**PANEL III:**

**THE IMPACT OF CRIME ON THE REGIONAL  
STABILIZATION PROCESSES IN SOUTH  
EAST EUROPE**



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## **THE IMPACT OF CRIME ON THE REGIONAL STABILISATION IN SOUTHERN SERBIA AND KOSOVO**

With the end of wars in the former Yugoslavia and the fall from power of Serbian strongman Slobodan Milosevic in October 2000, the Balkans have finally got a chance to rid themselves of the ‘powder-keg’ stigma. However, the peace did not settle down without hiccups. Aftermaths of major earthquakes are always marked by aftershocks. Similarly, the peace was disturbed by low-intensity conflict that started first in predominantly Albanian municipalities in Southern Serbia along the borders with Kosovo; more serious fighting ensued in the north-west parts of the Former Yugoslav Republic of Macedonia (FYROM)<sup>91</sup> between ethnic-Albanian insurgents (National Liberation Army) and state security forces. Reportedly, Albanian insurgencies both in Southern Serbia and in FYROM were supported by networks involving former Kosovo Liberation Army (KLA) activists. The subsequent fighting prompted many observers to temper their optimism about the possibility of durable stability in the region. Yet, both conflicts have been successfully contained and proved that it would be wrong to herald a return to enduring gloom in the region. However, the absence of armed conflict does not equal durable stability. The presence of international troops in the region in question on the one hand, and strong commitment of the governments in the regional capitals to the goal of full integration in European and Euro-Atlantic structures on the other, unquestionably serve as effective safeguards against the revival of bloodshed. In fact, conditions for solving the issue of instability on a regional level are more favourable than ever.

Nevertheless, efforts on all sides are needed if the current truce is to be translated into sustainable peace. Therefore, the paper proposes to

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<sup>91</sup> Turkey recognises Macedonia under its constitutional name.

examine the link between crime and stability in the region from an inverted perspective. It attempts to look at the impact of regional stabilisation on the organised crime, or rather, how a lack of a comprehensive strategy for development has contributed to the fact that the region became an outlet for the perverted entrepreneurship.

### **Brief outline of the conflict dynamics**

The three municipalities of Pre\_evo (Preshevë), Bujanovac (Bujanovc) and Medve\_a (Medvegjë), situated in southern Serbia along with the border of Kosovo (south-west), and FYROM (south), comprise a compact region of around 1200 square kilometres. This is the only region in Serbia with a mixed Albanian, Serb and Roma population. The population of the three municipalities is over 100 000, of whom around 60 000 ethnic Albanians. Given the demographic composition, location and underdevelopment of the municipalities, the region has been strongly and specifically influenced by events, security situation and other developments in Serbia and Kosovo, but also the wider region. Therefore, the armed conflict that started in January 2000, just months after the war in Kosovo ended, and intensified over the next 17 months, did not happen in isolation.

While Serb and Albanian communities in the region rarely experienced a truly high level of cordial coexistence, interethnic relations were severely damaged in Milosevic's Serbia. Moreover, the walls of mistrust between the two communities were further reinforced by the armed conflict in Kosovo, as it coincided with grave human rights violations and open repression by paramilitary formations, the army and police. During the NATO air campaign in spring 1999, eleven Albanians were killed in the municipality of Pre\_evo alone, while thousands were expelled. Albanians were subjected to human rights violations (murder, harassment, expulsion and looting) of the Albanian population in all

three municipalities in great deal followed the pattern of those taking place in Kosovo.<sup>92</sup>

Conditions for armed conflict and the rise of the self-styled Liberation Army of Presevo, Bujanovac and Medvedja<sup>93</sup> were facilitated by the establishment of the Ground Security Zone (GSZ) under the Military-Technical Agreement. The so-called “Kumanovo agreement” was signed by Serbian and Yugoslav security forces and NATO representatives on June 9, 1999. The GSZ was a five-kilometre wide demilitarised strip along the administrative border with Kosovo, and was established as a buffer-zone between the Yugoslav Army (VJ) and NATO-led international security forces in Kosovo (KFOR). Access to and movement of the VJ forces were prohibited in the strip, while only lightly-armed (“calibre below 12 mm”) members of the police force were allowed to patrol.

Soon after it was established, the strip became the haven for KLA-style attacks on Serbian targets, as the insurgents utilised the power vacuum to launch attacks.<sup>94</sup> So, for almost two years, the GSZ, or *the demilitarised zone* was that in name only. According to a report, large amounts of small arms and light weapons (SALW) were widely available in Kosovo, despite the efforts of KFOR and UNMIK police to collect them and uncover secret caches. Portions of that arsenal poured freely into

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<sup>92</sup> For a detailed description of human rights abuses of ethnic Albanians in the region see the report by “Albanians in Presevo, Bujanovac and Medvedja”, Humanitarian Law Center, Belgrade, 2002.

<sup>93</sup> The Albanian acronym is UCPBM – *Ushtria Clirimtare e Presheve, Medvegje dhe Bujanovcit*). The number of fighters was a contested issue, but it is reasonable to assert that the UCPBM had around 2000 members.

<sup>94</sup> The KLA was formally disbanded and demilitarised on September 20, 1999, under the “Undertaking of Demilitarization and Transformation’ Agreement. The subsequent creation of the Kosovo Protection Corps (KPC), led by former KLA commander Aim Ceku, absorbed around 5000 former fighters. Although the members of the KPC are not allowed to carry guns, as the Corps is designed to provide disaster relief and humanitarian assistance, an international analyst described its structure “curiously similar to the KLA’s wartime organisation.” Other ex-KLA members were incorporated in the Kosovo Police Service, after finishing the OSCE-supervised training course. Another faction followed their charismatic leaders Hashim Thaqi, president of the Democratic Party of Kosovo (PDK) and Ramush Haradinaj, leader of the Alliance for the Future of Kosovo (AAK). However, some elements of KLA network, that even during war-time could not boast of a firm structure and hierarchy, decided to operate on their own, and moved into organised crime, forming loose networks.

southern Serbia - the border was practically open for all kinds of illicit trafficking, especially arms.<sup>95</sup> When the fighting intensified, KFOR tightened the border control and intercepted shipments for the insurgence, and evidence suggested that the UCPBM had support by splinter groups of the disbanded KLA.<sup>96</sup> Their proclaimed goal was the eventual unification with Kosovo.

But, the problem was further intensified by the fact that in the aftermath of the Kosovo war a large number of Serb police troops who were forced to withdraw from Kosovo, were located in the Presevo valley, as the region is also known. Many of those were members of the notorious Unit of Special Operations, or Red Berets, that cut a murderous swath through the Bosnian and Kosovo wars.<sup>97</sup> Their presence alone was enough to terrify the local Albanian population. The behaviour of Kosovo Serb policemen, also with a record of numerous grave human rights abuses while serving in Kosovo, created additional security problems. Harassment, extortion, expulsion and other abuses of the rights of ethnic Albanians in the area was the norm, and many Albanians fled to Kosovo. Moreover, their presence served as an effective deterrent for thousands of Albanians who fled the area during the Kosovo war to return to their homes. This was the situation that new authorities in Belgrade inherited after they came to power in late 2000.

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<sup>95</sup> For a comprehensive discussion on legal and illicit arsenal of SALW in the region see report by Ian Davis, "Small Arms and Light Weapons in the Federal Republic of Yugoslavia: the Nature of the Problem", Saferworld, London, May 2002.

<sup>96</sup> For example, in March 2000, the US troops of KFOR raided Albanian hideouts along the southern Serbian border, and seized more than 200 uniforms, 22 crates of rifle and machineguns ammunition, 2 mortars, 28 hand-grenades, six landmines and other military supplies belonging to the UCPBM. Gjeraldina Tuhina, "Raid in Kosovo", AP, 16 March 2000.

<sup>97</sup> One of the founders and the first commander of the Unit was arrested in Belgrade after the assassination of the Serbian Prime Minister Zoran Djindjic. In late May he was transferred to the Hague Tribunal, after being indicted for war crimes in Croatia and Bosnia. Another commander of the Unit, Milorad Lukovic a.k.a Legija is suspect no.1 in relation to the murder of Mr. Djindjic. Together with Dusan Spasojevic, he formed a powerful network of criminals, organised mainly around drug trafficking, the so-called Zemun clan. They are believed to be the main organisers behind the assassination of the Serbian PM. Spasojevic, incidentally from Bujanovac, was killed during a police attempt to arrest him related to the above-mentioned charges. The unit was disbanded.

After months of fighting, an internationally-brokered deal was reached between the two sides on May 31 2001, under which the UCPBM disarmed and gave up plans for secession in return for guarantees of greater human rights and representation in local government and police structures. The Yugoslav forces were allowed to reoccupy the GSZ, and the process was supervised by NATO. Agreement was also reached on the implementation of a multi-ethnic police force under the auspices of OSCE, as a part of a broader effort in confidence-building measures. KFOR and UNMIK introduced tighter control of the border with Kosovo in order to prevent infiltration of armed men. Resettlement of around 10,000 displaced Albanians began, while the Serbian government, with the assistance of international donors, provided aid for the repair of damaged property and infrastructure. In the fall of 2002, local elections were held in the three municipalities with a monitoring mission of the OSCE. For the first time the Albanians got their legitimate political representatives in local government.

This success notwithstanding, the regional dimension of the conflict was soon revealed. As efforts to contain the conflict in the Presevo valley intensified in 2001, a new armed conflict erupted in neighbouring FYROM between National Liberation Army (NLA) and government forces.<sup>98</sup> The fighting took place in northern parts of FYROM and the declared goals of the NLA was to protect the rights of ethnic Albanians in the country that comprise around one third of the population. Similarly to the rise of the KLA, the NLA regarded Albanian political representatives in the country impotent and too weak to advance the cause of improvement of political and economic rights of the Albanians in Macedonia, who had for long been disenfranchised from economic and political life of the country. Again, some KLA veterans came to aid their kin in the neighbourhood. This restricted KFOR capacities as it was forced to combat illicit trafficking of arms and fighters on two sides. Nevertheless, KFOR arrested over 1000 people in 2001, related to the armed conflict both in Presevo Valley and in northern FYROM.

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<sup>98</sup> Curiously, the Albanian acronym of the formation is UCK (Ushtria Clirimtare e Kombetar), the same as for the Kosovo Liberation Army.

The response of the government forces was often unprofessional and indiscriminate, targeting civilians as well, which only propelled the spiral of violence. All major international actors were alarmed by the conflict in FYROM, for its potential to destabilise a much wider region. The High Representative for Foreign and Security Policy Javier Solana, the head of the European Commission Chris Patten and NATO Secretary General Lord George Robertson were dispatched to contain the conflict. The diplomatic efforts culminated in the General Framework Agreement in August 2001 (so-called Ohrid Agreement), which provided for substantial representation of minorities in public administration, language rights and the strengthening of the local government. The NLA was disarmed and disbanded, while the leader of the guerrilla Ali Ahmeti formed a political party that won seats in the September 2002 elections. NATO's Task Force Operation Harvest, that ran from August 27 to September 26 2001 resulted in the collection of nearly 4000 weapons within the 30-day mandate.<sup>99</sup>

### **The role of organised crime in the conflict**

Milosevic's regime left behind organised criminal networks that used to be key supporting pillars of his power. For more than a decade, the state not only tolerated those networks, but even organised and directed them through the powerful state security apparatus (secret service) SDB. Individuals with criminal record were directly linked with military and paramilitary structures, and were used as shock-troops in all wars that led to the disintegration of Yugoslavia. The most notorious of them were promoted as 'national heroes' and 'devoted patriots'. In exchange for their loyalty in the war-effort, they were allowed to operate in impunity and were protected from prosecution, as they moved into the lucrative underworld business. The main business was trafficking of drugs, cigarettes, and to some extent human beings. Many of them were official members of the SDB. Elements of these groups were moved to Southern Serbia in the aftermath of the war in Kosovo, on a pretext to 'fight terrorism'. But their targets were not so much members of insurgence as

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<sup>99</sup> All the weapons were handed over voluntarily by NLA members. The Saferworld report warns that the SALW was still in abundance in FYROM. [Op.cit.](#)



the civilian Albanian population in the area. At the same time, they forged partnership in illegal business with criminal elements among the Albanian fighters, both from Kosovo and Presevo Valley.<sup>100</sup>

With the change of power in Serbia in October 2000, the new authorities in Belgrade inherited highly criminalised security structures. The new government in Belgrade, overwhelmed with many problems, did not commit fully to the restructuring of the judiciary, the police and the army. As a result, remnants of these groups continued to operate in Southern Serbia beyond the peace deal between Belgrade and local Albanian leadership.

The assassination of the Serbian Prime Minister came as a wake-up call for leaders in Serbia who attempted to eradicate organised crime elements in society. It was this tragic event that truly exposed the connection between criminals, hard-liners and militants, as these gangs often used ‘patriotism’ as a shield in their dealings.

Although the UCPBM demilitarised after May 2001, splinter groups continued to operate in the region.<sup>101</sup> Car-bombs, random explosions, and skirmish fire continued well beyond the May peace deal, although on a smaller scale. This time the targets of assaults, abductions even, were Albanian moderates and members of the multi-ethnic police force. Radical elements of the splinter group used these assaults to deter normalisation of relations in the region.

In fact, evidence suggests the strong links between ethnic Albanian and Serbian gangs who saw the stabilisation of the region as against their interest. Namely, their true motive was the protection of lucrative smuggling routes, especially for drugs. They joined forces after the peace deal to keep the region in the state of ongoing tension, as they had a strong incentive to resist the normalisation, in attempt to prevent contraband routes to be disrupted. Curiously, the incidents faded away after the assassination of the Serbian Prime minister and after KFOR

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<sup>100</sup> Some intelligence suggests that the notorious leaders of the JSO offered their ‘good offices’ to special police units of the FYROM Ministry of Interior (“Lions”).

<sup>101</sup> Estimates say the number of fighters does not exceed a few hundreds.

arrested Shefket Musliu, alleged leader of the splinter group, in the neighbouring area of Gnjilane in Kosovo.<sup>102</sup>

In a similar vein, the appearance of the Albanian National Army (ANA), that claimed responsibility for various incidents in Kosovo, FYROM and Southern Serbia, is seen as yet another feeble reincarnation of the KLA.

The last thing these elements want is tightening of the borders and heightening security arrangements, and regional co-operation that may enhance legal trade among neighbouring societies. As one member of international community in Kosovo observed, “the organised criminal fraternity contains some of the most ‘ethnically tolerant’ members of each community.”

### *Some good news*

Although it may seem that these groups are too pervasive and that organised crime will continue to reign in the region, several positive examples suggest that conditions for creating a durable stability on a regional level are far more favourable than meets the eye. As mentioned above, all conflicts have been successfully contained, with a strong engagement of international actors, such as the EU, the OSCE, NATO and the US government. Other regional initiatives, such as Stability Pact and SECI continue to support various efforts in this direction.

The ongoing struggle against organised crime in Serbia that was at the very core of Milosevic’s criminal heritage seriously damaged criminal networks that had partners in neighbouring regions. Besides, the event prompted the government in Belgrade to commence a profound reform of the judiciary and security apparatus. That one strong branch of organised crime was hacked off in the region, undermining the entire

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<sup>102</sup> In late May 2003, the US President George W. Bush lifted "national emergency" on orders dating back 11 years that enabled sanctions against the former Yugoslavia. In a letter to Congress Bush stressed that sanctions against Milosevic and his associates would continue, as would those targeted against individuals threatening to obstruct peace deals involving FYROM, Kosovo and Bosnia-Herzegovina. Both Lukovic, suspect in the murder of Serbian Prime Minister, and Musliu are on the black list.

network has greatly helped. As peaceful general elections in FYROM in September 2002 demonstrated, proponents of nationalist ideologies on both side were defeated, and cleared the way for future political change to take place within constitutional order.

As was the case during all the clashes in the aftermath of the Kosovo war, splinter groups, or various incarnations of the former KLA, had little support among Kosovan political leadership, leaving the groups without serious political sponsorship. In fact, the most prominent political leaders condemned the violence both in southern Serbia and in FYROM. Thus, the splinter groups pretend to operate as some sort of “Real IRA”. Moreover, KFOR and UNMIK police in Kosovo over the last year became more efficient in combatting organised crime groups in the province. The arrest of individuals indicted by The Hague Tribunal, former commanders of the KLA Daut Haradinaj, brother of the leader of AAK and Rrustem Mustafa, a.k.a. Commander Remi last year, were also serious blows for criminal entrepreneurship.

On a larger scale, other positive preconditions also create a favourable climate for enhancing stability in the entire region. First of all, governments in all regional capitals are determined more than ever to catch up with the EU and Euro-Atlantic security structures. Five Western Balkan countries, Albania, Bosnia-Herzegovina, Croatia, FYROM and Serbia and Montenegro are increasingly joining ranks and improving intra-regional cooperation in anticipation of full-fledged EU membership.<sup>103</sup> They have made great strides in overcoming the legacy of half a century of command economy and 10 years of violent instability.

In addition, the Border Security and Management conference, hosted in late May by the FYROM government and supported by NATO, the EU, the OSCE, and the Stability Pact clearly demonstrated the readiness of the governments in the region to join forces in combatting organised crime and be integrated into the European mainstream. Stability Pact

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<sup>103</sup> Joint op-ed by President of Croatia Stjepan Mesic, President of the Former Yugoslav Republic of Macedonia Boris Trajkovski, Prime Minister of Serbia Zoran Zivkovic and Prime Minister of Albania Fatos Nano: “The EU and the Southeastern Europe need each other”, International Herald Tribune, May 22, 2003.

coordinator Erhard Busek commended the effort by saying: “Given the sensitivity of border issues, the conference must be seen as a major achievement that the western Balkans are joining forces to deal with the topic.” The event also revealed that the regional leaders are taking seriously the warning of NATO’s Secretary General Lord George Robertson: “Either this region takes control of its borders – or the criminals will take control.” This is an impressive achievement, but certain structural obstacles still have the potential to impede the process of stabilisation, and by the same token revive organised and less organised criminal elements.

Southern Serbia, parts of Kosovo (around the town of Gnjilane/Gjilan) and FYROM (Kumanovo) remain the most underdeveloped areas in the entire region. The area was a compact region that disintegrated after the state collapsed. Borders that were imposed disrupted the economic and social fabric of the whole region, something which criminal elements were quick to take advantage of. Economies of the states in the region are still too weak to propel development. Moreover, extensive ESI research in the area suggests that ethnic conflicts do have a political-economic dimension that is so often neglected.<sup>104</sup> What all these parts have in common is that their societies are shaped by the crisis of industrial societies created by Yugoslav socialism. In the case of FYROM, local industry has collapsed, while public administration is under huge pressure not only to downsize, but also to make more space for minority representation. At the same time, the private sector is emerging too slowly to be able to generate more jobs. Large portions of Albanian population remain trapped in the cycle of underdevelopment. The Slavic population feels threatened by Albanian demands to be integrated in the shrinking public sector. Consequently, both sides remain trapped in some sort of zero-sum game. As another report noted: “There are a great deal of unemployed ‘young warriors’ with no occupation other than further violence.”<sup>105</sup>

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<sup>104</sup> See for example “Ahmeti’s Village: The Political Economy of Interethnic relations in Macedonia”, Skopje and Berlin, October 2002.

<sup>105</sup> Saferworld, *op.cit.*, p.25.

Similarly, in northern Kosovo the majority of the Serb population remains there largely because of budgetary transfers from the Serbian state. This ability to remain in the public sector although industry collapsed creates a strong incentive for large sections of the Serb population to resist integration with other parts of Kosovo. The fact that the town of Mitrovica is still divided on north 'Serb' and southern 'Albanian' part is a case in point.

Similar examples abound in the region. Gnjilane/Gjilan, the closest town in Kosovo to formerly troubled southern Serbian municipalities has high unemployment, while at the same time is one of the youngest regions in Europe. The average age is 27, while more than 50 % of the population is under age of 24. The biggest industry in the region, textile, that used to employ nearly 3000 people 15 years ago, employs only 200 today. If nothing changes in terms of economic development, what these regions are most likely to export in the coming decades will be organised crime and migration.

However, the international community, most notably the European Union, has large stakes in keeping the region affluent. The peace process that ended fighting in FYROM, for example, has a big EU flag on it. Now that the interests of the governments in the region truly converge with those of European Union – and these are stability and prosperity – all actors must seize the opportunity and work together towards the common goal. Governments in the region need to continue their efforts in combatting organised crime, but a harder task is to devise effective ways of reducing the unacceptably high levels of unemployment. This cannot be done without greater engagement and assistance from the EU. In fact, the nascent European common foreign and security policy the region can indeed become a model for creating durable stability after crises. In other words, the EU must take a bolder step and move beyond conflict-containment policies and post-conflict reconstruction, and commit its resources in a way that will pull the region out of the development trap.

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### **A GRASSROOTS APPROACH TO COMBATTING ORGANISED CRIME AND BUILDING PEACE IN SOUTH EASTERN EUROPE: OPPORTUNITIES FOR THE KOSOVO POLICE SERVICE**

Many post-conflict settings experience significant increases in levels of crime and violence, due to the social and economic legacies of war. Unemployment, poverty, breakdown in law and order and fragile governance capacities create environments that foster the progress of illicit trade and serve to disrupt continuing rehabilitation efforts. Such conditions often lead to the emergence of an ‘uncivil society’, in the form of organised crime, nationalist extremism, or a combustible combination of both<sup>106</sup>. However, there is ample evidence to show that reform and restructuring of the security sector – in particular, the criminal justice triad of the police, judiciary, and corrections systems – plays a vital role in preventing conflict, preserving social stability during crises, and supporting sustainable post-conflict peacebuilding and rehabilitation.

Peacebuilding strategies involving the creation of accountable and effective police and judicial institutions in order to provide a secure and safe environment for political, economic, and social development can be seen throughout the Balkans: the building of a strong police service in Bosnia, the creation of a more effective judiciary in Croatia, the transformation of the customs service in Albania, and the creation of an indigenous democratic police service in Kosovo. The task of creating the Kosovo Police Service (KPS) and developing practices that comply with democratic norms and international human rights standards is central to durable peace in Kosovo and to long-term stability in South Eastern Europe (SEE).

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<sup>106</sup> EastWest Institute, in partnership with the European Stability Initiative, *Democracy, Security and the Future of the Stability Pact for South Eastern Europe: A Political Framework*, 4 April 2001, p 6.

Statistics and public perceptions show that the security situation in Kosovo has improved and serious criminal activities have declined over the last two years.<sup>107</sup> However, organised crime has gained an increasingly prominent role in Kosovo and is considered by analysts as a negative development affecting the final status issue<sup>108</sup>. Activities such as trafficking in human beings (particularly for sexual exploitation), drugs, weapons and stolen vehicles, extortion and racketeering, large-scale smuggling in consumer goods (e.g., cigarettes), forgery of documents and money, and economic crime are widespread. In a recent study by the United Nations Development Program in Kosovo, organised crime is viewed by Albanian Kosovans as the sixth major problem for Kosovo in a list of 16 major problems, and by Serbian Kosovans as the seventh.<sup>109</sup> These illicit activities are affecting all levels of society as they challenge human rights protection, undermine democratisation processes, disrespect the rule of law, and interfere with institution-building, reform efforts, and potential investment in Kosovo. Unbridled corruption and organised crime negatively affects the peacebuilding processes in Kosovo and – as networks transcend Kosovo’s porous borders – threaten stabilisation efforts in SEE.

In line with European Union and Stability Pact for South Eastern Europe arrangements (in particular, the Stability Pact Initiative to Fight Organised Crime (SPOC) and the London Statement on Defeating Organised Crime in South Eastern Europe), organised crime has been placed high on the agendas of the United Nations Mission in Kosovo (UNMIK) and Organisation for Security and Cooperation in Europe Mission in Kosovo (OMIK) in 2003. In his recent speech to the OSCE

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<sup>107</sup> A recent UNDP survey reports that the main problems in Kosovo today – based on the answers of 6,000 interviewed citizens – are not crime or general security (7% and 5%, respectively), rather unemployment (indicated by 50% of Albanian interviewees, 38% of Others, and 9% of Serbs). See UNDP, *The Kosovo Mosaic: Perceptions of Local Government and Public Services in Kosovo*, March 2003; and UNDP, *Kosovo Early Warning Report*, Report #2, September-December 2002. See also, UNMIK Police Press Release, 29 October 2002. Although findings suggest that unemployment is about 49% in Kosovo, international agencies estimate up to 70%.

<sup>108</sup>United States Institute of Peace, *Kosovo Decision Time*, Special Report 100, February 2003. Other factors include faltering economic progress, disaffection with the results of democratic reforms, and slow reconciliation processes, all of which may be linked to organized crime, causally or symptomatically.

<sup>109</sup> UNDP, *Kosovo Early Warning Report*, Report #2, September-December 2002, p.32.



Permanent Council, UN Special Representative to the Secretary General in Kosovo, Michael Steiner, reported: “We need to continue to battle organised crime, which still poisons the Balkans and threatens the security of Europe. We need to consolidate the rule of law. This means ensuring that all institutions respect human rights. It also means dismantling the parallel structures whose very existence undermines the rule of law.”<sup>110</sup> This has been reiterated by Lord George Robertson at a recent conference in Ohrid, Macedonia on border safety and management. By fostering democracy and respect for the rule of law – the cornerstones of conflict prevention and economic development – SRSJ Steiner optimistically asserts that Kosovo could be the exporter of stability to SEE.

Whilst unprecedented opportunities for combating organised crime exist, few have been identified, developed, and implemented. A comprehensive, complementary multi-track approach to promoting security and combating organised crime must be vigorously adopted by an assortment of actors and agencies. Such an approach must not only tackle the symptoms arising from organised criminal activities, but also address the deep-rooted causes in order to prevent the necessary conditions for organised crime to flourish, particularly in marginalized communities and transitioning societies.<sup>111</sup> Analogous to multi-track approaches in the field of conflict resolution<sup>112</sup>, this requires an effective combination of top, middle and grassroots strategies involving all sectors of society and operating at structural-constitutional as well as relational-community levels, with cooperation between involved international and internal agencies.

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<sup>110</sup> Special Representative to the Secretary General of the United Nations, Michael Steiner, Intervention to the OSCE Permanent Council, 8 May 2003.

<sup>111</sup> A multi-layered, multi-agency framework for combating organized crime was presented by Dennis J.D. Sandole, “Combating Crime in South East Europe: An Integrated, Co-ordinated, Multi-Level Approach”, at the 4<sup>th</sup> Reichenau Workshop, Crushing Crime in South East Europe: A Struggle of Domestic, Regional and European Dimensions, 16-19 May 2003. In short, the framework consists of local community, society, sub-regional, and regional contexts (vertical), overlaid with multi-track local, regional and international actors, including official leaders, business communities, non-government organizations, citizen diplomacy, research, training and education, activists, religious groups, funding authorities, and the media (horizontal).

<sup>112</sup> See Hugh Miall, Oliver Ramsbotham, and Tom Woodhouse, *Contemporary Conflict Resolution*, Polity Press, Cambridge, 1999.

Experiences of the Kosovo Police Service School (KPSS)<sup>113</sup> suggest that Kosovo could play a crucial role in regional stability through the training and professional development of the Kosovo Police Service to engage in crime prevention strategies in the communities themselves. Within this perspective, an organised crime strategy should not be limited to reactive operational law enforcement, but should include proactive measures to prevent it through effective democratic and community-based policing. Improved policing will reduce crime domestically, and may curb the spread of transnational organised crime, which threatens the fabric of society regionally and globally.

### **Historical Perspectives of the Police in Kosovo**

Throughout the Milosevic regime, the mission of the police<sup>114</sup> was to support the political regime under military/ethnic/partisan political command and control. The police did not require public legitimacy to be effective, and there were few, if any, accountability mechanisms. The police had a reputation among the Kosovan communities of intimidating citizens; hence, the police were viewed as a ‘force’ used against people, rather than a ‘service’ for people. Inevitably, these experiences have a profound effect on the public’s perception of the capabilities, skills, and public legitimacy of the police even today.

The Military Technical Agreement ending NATO’s bombing campaign in Kosovo and Serbia resulted in the withdrawal not only of the Yugoslav military forces, but of the entire police and public order apparatus. As a result, the international community took on an executive

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<sup>113</sup> Information provided herewith on the KPSS has been obtained from first-hand experiences and internal, as well as public, documents.

<sup>114</sup> The police were highly militarised, particularly the heavily armed paramilitary units called the Interior Special Police (MUPs), which were under *de facto* if not *de jure* command of the army. During the Yugoslav conflicts, these police units were essentially ‘up-graded’ into soldiers, fighting for the ethnic constituency to which their officers and members were loyal. Their ranks swelled by an influx of paramilitary personnel with little or no training. Before and during the war in Bosnia, police used the traditional practices of roadblocks, checkpoints and interrogation to harass and intimidate members of other ethnic communities. See Laina Reynolds, *To Serve and Protect: The Reconstruction of Civilian Policing in Post-Settlement Peacebuilding*, Unpublished MA Dissertation, Centre for Conflict Resolution, Department of Peace Studies, University of Bradford, UK, 1999, pp. 69-9.

policing role for the UNMIK Civilian Police in some fields and by KFOR troops and military police in others. The OMIK Department of Police Education and Development was simultaneously mandated to promote the development of an institution to provide Kosovo with a sustainable, representative, community-based, local law enforcement *service*. This law enforcement service would be dedicated to maintaining civil law and order, promoting the rule of law, respecting human rights for all the people of Kosovo, and upholding international standards and practices. The newly constructed indigenous KPS would have to take an active role in rebuilding trust by reaching out to the community, and creating channels for communication about local security fears and needs.

According to a recent international article featuring the KPS, the “mere existence of an indigenous police service, built from scratch by the United Nations in the four years since the end of the NATO-led war against Serbia, is an extraordinary accomplishment”<sup>115</sup>. Since the KPSS was established in 1999, 5,663 Basic Recruits – from all ethnic groups in the province – have graduated from 24 generations at the KPSS and have been deployed to the communities throughout the province. Currently, another 198 students are undergoing the 12-week basic training programme. Throughout Kosovo, the number of KPS Officers delivering police service now exceeds that of the UN Civilian Police. (Currently, there are 4,101 international police officers in the Mission, however, only 2,891 are patrolling the streets jointly with the KPS. The remaining officers are in Specialised Units, training capacities, or deployed elsewhere.)

Early measures of success are encouraging. A significant improvement in the province’s crime statistics testifies to improved security in Kosovo, assisted in part by the success of the training programme. Serious crime – from murder to kidnappings – has fallen dramatically since the KPS began operating. Murder rates are down from 245 in 2000 to 68 last year, robberies were down 73% in 2001 from a year

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<sup>115</sup> Green, op. cit.

earlier, arson fell 58%, and burglaries dropped more than 10%.<sup>116</sup> Traffic fatalities, which may be a direct measure of how well the police enforce laws, dropped from 250 in 2000 to 132 last year.<sup>117</sup> Moreover, the KPS Officers are working together in a co-operative, professional, multi-ethnic, mixed gender service; throughout Kosovo multi-ethnic patrol units provide law enforcement services to all ethnic communities. The latest public opinion poll, published in UNDP's second Kosovo Early Warning Report, shows that respondents are now more satisfied with the work of KPS than they used to be (approximately 89% are satisfied or very satisfied), and marginally more satisfied than with the international civilian police (approximately 80%).<sup>118</sup>

### **Democratic Policing: “Police are the People, People are the Police”**

As Kosovo continues its challenging journey to democracy through building and strengthening democratic institutions, the KPS plays a vital role. For democracy to flourish, the people of Kosovo must have faith in the effectiveness, impartiality, and accountability of the police. Because organised crime thrives in environments where public trust of the police is low, the KPSS emphasis on effective democratic policing is fundamental to crime prevention, locally and regionally.

Upon entering the main building of the KPSS, the words written on the wall remind everyone of the democratic policing ideals that form the foundation of the KPS Officers' training and their service to the community: “Police are the People, People are the Police”. When cadets commence their training, they sign a “Democratic Policing Contract” and adhere to it in their development towards becoming a KPS Officer.

Moreover, KPS officers have an ethical responsibility to maintain the highest possible standards of professional police behaviour. Any

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<sup>116</sup> Organisation for Security and Co-operation in Europe, “US Support for OSCE Policing Drive Will Help fight Terrorism and Organised Crime”, Press Release, 23 October 2002.

<sup>117</sup> Peter S. Green, “Kosovo Force Takes a Bite Out of Crime”, *International Herald Tribune*, 19 May 2003, p. 4.

<sup>118</sup> UNDP, *Kosovo Early Warning Report*, Report #2, September-December 2002, p.32.

unethical behaviour exhibited by a KPS officer is subject to scrutiny by the public and may lead to a decrease in the public's confidence or trust. The principles for maintaining these standards are expressed in the "Code of Conduct for Law Enforcement Officials" adopted by the UN General Assembly in 1979 and "Resolution 690 – The Declaration on the Police" adopted by the Council of Europe in 1979, in addition to the KPS Policies and Procedures Manual. The code of conduct is based on the concept of public service as a public trust; it reinforces the legal and human rights issues provided under the law.

### *Overview of the KPS Training Programme*

There are six components of training undertaken by KPS Officers. The first, which forms the foundation, is Basic Training. It consists of two phases: a 12-week basic academy and a 15-week field training academy. The basic academy focuses on a strong core of legal and officer survival knowledge and skills and consists of approximately 500 hours of training, alternating between theoretical lectures and practical applications. The objective is to teach cadets the basic skills and ethics to safely begin the second phase of training. This is accomplished on the job while performing rudimentary law enforcement duties accompanied by an international civilian police Field Training Officer (FTO). FTOs are competitively selected and specially trained to serve in this phase of the programme. Their role is to serve as mentor, role model, and trainer, reinforcing the procedures and practices taught in the School, refining and evaluating performance in the real world of law enforcement. Training is guided by the Professional Development Reference (PDR), an evaluation portfolio developed by the KPSS to provide a guideline for training. PDRs are initiated on all students when they begin the basic programme and continue into the field-training component. They serve as a reference for student performance, a guide for continued development, a tool for action plans, and a document for certifying competency levels.

Whilst there are no lessons on organised crime in the 12-week Basic Training programme at KPSS, modules on "Democratic Policing", "Human Rights", "Code of Conduct", "Ethics", "Policing in a Multi-

Ethnic Society”, “Diversity Awareness”, “Gender Issues”, and “Community Policing” contribute to the professional, democratic training of KPS Officers.

As KPS reaches its basic recruitment target, the workload is accelerating toward the second and third training components, i.e., Specialized and Advanced Training programmes. These were developed to compensate for a relatively compressed basic academy and have been designed to promote full competency and fundamental specialization for all serving police officers, particularly in areas that are imperative for combating and preventing organised crime (including anti-trafficking and narcotics). Ideally, some of the specialized courses would be included in the basic training programme, however, in the interest of early rapid deployment to establish a fully-functioning indigenous police service, they are instead offered to officers throughout their service. The advanced courses embrace both management/supervision and technically advanced subject areas. The former is provided in incremental phases to compliment the selection and promotion of officers to first line, middle management, and senior management positions. The technical training is provided as special units are designated, organised and deployed (this includes border police and, potentially, an organised crime squad).

Re-certification training constitutes the fourth component. It is conducted annually for all KPS Officers to ensure and renew competency in skills associated with the use of force and survival. The KPSS is also focusing on capacity-building, a fifth training component. This is targeted at developing a basic cadre of police instructors and educational specialists. Currently, there are 55 fully qualified KPS Instructors assigned to the Police Training Division at the KPSS, with the aim of 125 KPS Instructors at the KPSS by 2005. Over 250 KPS Officers are also certified to deliver the re-certification training in the five operational regions. Finally, internships and training abroad have offered invaluable opportunities for KPS Officers to further develop their skills and increase the quality/standards of the service provided to the public.

### *KPSS Efforts to Combat Organised Crime*

The training activities facilitated by the KPSS contribute to a proactive policing approach to prevent and/or respond to criminal activities. Concerted efforts by KPSS to combat organised crime began in 2002, commencing with discussions related to potential activities and partner organizations. The KPSS is currently liaising with UNMIK/KPS and the Kosovo Organised Crime Bureau (KOCB) with the aim of establishing a co-ordinated, multi-agency approach to combating organised crime in Kosovo.

The KOCB, established in April 2002 by UNMIK, is a highly specialised operational unit dealing specifically with organised crime-related matters. Prior to its establishment, no provisions were made for an organised crime unit within the executive law enforcement mission. The SRSG's approval of the legal framework to fight organised crime, Regulation 2001/22 ("Measures Against Organised Crime"), which recognises the need to prevent and combat organised crime in Kosovo, Regulation 2002/6 ("Covert Measures and Technical Measures of Surveillance and Investigation"), which offers tactical and operational opportunities, and the arrival of a new Police Commissioner who set new priorities paved the way for the KOCB. The KOCB reports directly to the Police Commissioner under UNMIK Pillar I (Police and Justice). It is comprised entirely of internationals and, whilst the KOCB will soon start to recruit KPS Officers to serve in the unit, there are no final structural or administrative plans to integrate the KOCB into the KPS in the future.

Together with the KOCB, the KPSS is currently designing an appropriate organised crime training programme, to be funded bilaterally through the United States Department of Justice International Criminal Investigation Training Assistance Program (ICITAP). KPS Officers will be recruited and screened by the KOCB and, upon completion of the course, they may be integrated into the KOCB.

KPSS will also host a three-day seminar on Organised Crime in Autumn 2003. The seminar will bring together key actors and agencies in Kosovo (from law enforcement, judiciary, customs and border authority,

private sector, local administration, education, community-based organizations, and media) in an effort to develop interagency coordination and co-operation. The seminar aims to disseminate information related to organised crime activities in Kosovo; explore domestic, regional, and international perspectives on trans-border organised crime; and develop multi-agency plans of action to combat and prevent organised crime.

### *Community-Based Policing: A Bottom-Up Strategy*

The international community has attempted to replace reactive crisis intervention policies in SEE with a comprehensive long-term conflict prevention strategy (i.e., the Stability Pact<sup>119</sup>). From a conflict resolution perspective it is apparent that reactive law enforcement approaches (i.e., waiting for a crime to occur before responding) should be complemented with pro-active policing (i.e., taking positive steps prior to the occurrence of a crime to prevent it from occurring). This approach is fundamentally community-based and requires working directly with community members and leaders.

Organised crime is fueled by weak economic, political, and social structures in the communities the police are serving. According to UNDP's opinion poll, respondents acknowledged that the responsibility for corruption and organised crime falls upon the citizens themselves.<sup>120</sup> Strategies to remove the incentives that motivate and nurture organised crime, unravel the criminal networks that sustain it, build and promote local support for action against crime, and to develop prevention mechanisms at the grassroots level have tremendous potential. By addressing some of the root causes in the community through problem-solving strategies employed by community policing practices, the evolution and dispersion of organised crime may cease. These

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<sup>119</sup> On the initiative of the European Union, on 10 June 1999, the Stability Pact for South Eastern Europe was adopted by more than 40 nations and organizations to support the countries from SEE "in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the whole region". See <http://www/stabilitypact.org>.

<sup>120</sup> UNDP, 2002, op. cit., p. 30.



approaches to law enforcement are generally still in experimental stages in the Balkans, however, the philosophy that underpins the approach is prevalent within the KPSS and the practices are being employed by community policing units throughout Kosovo.

Community policing<sup>121</sup> is both a philosophy and a practice that actively involves the community in order to reduce, prevent, and detect crime. It assists the police in identifying and solving problems of concern to the people and contributes to the peaceful resolution of conflicts. Moreover, it aims at creating partnerships between the police service and the community to ensure that the police continually provide quality services to the public. Community members have the right and responsibility to participate in the policing process in exchange for their support of law enforcement. Community policing emphasizes positive interaction with the public, in order to gain trust and confidence of the public to which they serve. If the community is involved with the police, it will begin to demonstrate a commonality of interest and belongingness, ensuring a sense of ownership and pride. Once community members sense that they have ownership of their crime prevention process and outcome, positive change will occur. Community policing will encourage citizens to work together to increase safety and security of their communities, which will extend beyond their community – and even state/provincial – boundaries.

Taking a clue from conflict transformation theory, effective community policing means ensuring that citizens who are affected by criminal activities discover and develop the power to put an end to them. It means increasing the participation of people in all sectors of society to find a voice. It means supporting ‘people power’ in combating organised crime.<sup>122</sup>

Community-based policing utilizes flexible, creative problem-solving tools, characteristic of those in conflict resolution processes. The aim of interactive problem-solving tools is to improve the relationships between

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<sup>121</sup> From the KPSS Basic Training Programme, “Community Policing”, Lesson #GP06.

<sup>122</sup> Diana Francis, *People, Peace and Power: Conflict Transformation in Action*, Pluto Press, London, 2002.

the participants (in this case, the police and the community members), to concentrate on the needs of the people involved, and to get at the root causes of conflict (or, crime). One five-step model used in community policing requires participants to: (1) diagnose and prioritise problems that have some generalized impact in the communities; (2) analyse the problem by defining the both the causes and effects, as well as possible options; (3) design strategies and realistic options for solving the problem; (4) implement the strategies; and (5) evaluate and continuously monitor the results. Problem-solving theory focuses on existing institutions, social relations and cultural meaning which are often taken for granted – resources that already exist in the given context and which contribute to the bottom-up approach. Rather than measuring success in traditional terms (e.g., numbers of arrests and citations, stolen property recovered), the police measure success using indicators established in collaboration with those most affected by the problems, i.e., the stakeholders.

In order for the community-policing approach to be completely effective, it needs to be institutionalized. Although the KPS has a community-policing element in its policing activities, this fundamental element of democratic policing has not been institutionalized within its operations. This institutionalization is crucial to the success of community policing. Further training for KPS Officers will assist them in working in and with the communities they serve, and the increased inclusion of training in topics such as non-violent methods of conflict resolution should be a priority.<sup>123</sup> Moreover, Kosovan community members must be more systematically engaged as participants and leaders in problem-solving forums and community-based policing methods.

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<sup>123</sup> Reynolds, op. cit.

### *Threats and Opportunities to the KPS' Role in Combating Organised Crime*

The KPS strategic plan envisions an end-strength of 6,300 officers, with a goal of maintaining a 15% minority and 15% female participation. By the end of 2003, all patrol operational enforcement is expected to transition from UN International Civilian Police to the KPS. Every year thereafter, one additional progressive level of responsibility, moving from first-line supervision to middle management, and culminating with senior management, will be handed over from international to local officers. By 2006, the operation, management and leadership of the KPS is expected to be entirely in the hands of local institutions.

As this transition takes place, several threats and opportunities may affect the ability of the KPS to effectively address organised crime issues. Given the low salaries of KPS officers, the potential for corruption, extortion, and abuse of position within the KPS is frequently cited. At this point in time, there are no serious discussions considering an increase in salaries to prevent such activities. However, the KPSS establishes a climate that fosters character development and moral habits. KPS Officers learn early in their training that standards in the police should be managed through a range of formal (regulation) and informal (common sense) factors – an ‘ethics infrastructure’. This should provide officers not only with the tools to identify and analyze ethical dilemmas but give them the ability to make the appropriate ethical choices (e.g., KPS Code of Police Ethics, KPS Code of Conduct). (Respondents from UNDP’s opinion poll believe that corruption is very widespread in many Kosovo institutions; however, according to Albanian Kosovan respondents, it is not very present in local police – only 8.2%.)

While training programmes can build individual competence and create a culture of ethics and professionalism, police administrative and operational structures cannot be established until such time as UNMIK permits a full transfer of responsibility to local authorities. Effective hand-over of institutional responsibilities to the appropriate Kosovo government ministries has been slow and frustrating, failing to contribute to a lasting solution with regard to the status of Kosovo.

Whilst the KPSS and the KPS are demonstrating increasing proactive, democratic policing approaches, the slow pace with which the Government of Kosovo and the Assembly are drafting and issuing laws is further hampered by the delays in the SRSG's endorsement of the laws approved by the Assembly. Many of the domestic institutions are weak and, therefore, unable to implement the rule of law, provide effective protection of human rights, or demonstrate participatory democracy. Yet, without the international community and its protectorate powers, the KPSS/KPS would operate in a vacuum of state authority and security.

Co-operation between international and local law enforcement and judicial organisations have been limited. In the absence of an adequate interagency co-ordination mechanism, KPSS has focused on increasing its co-ordination with partner organisations, including UNMIK/KPS and KOCB. Closer cooperation has also been initiated between UNMIK/KPS, KOCB, Central Intelligence Unit, Central Criminal Investigations Unit, and the Trafficking and Prostitution Investigation Unit in dealing with organised crime networks. Additionally, professional training of other agencies and services involved in addressing issues arising from organised crime is required. To this end, the Kosovo Police Service School is institutionalizing standards and providing specialized training that is imperative for combating organised crime. With 27 million Euros invested in rebuilding the Police School, dialogue has been initiated regarding the future use of the venue as a training institution that will serve as a valuable resource for training in all areas of public safety and security (justice, law enforcement, penal management, fire and safety). Undoubtedly, a co-ordinated, multi-agency strategy would have a tremendous impact on combating organised crime in Kosovo.

Regional co-operation and training has also been insufficient. Although in the wider context of security sector reform, the importance of police training and regional cooperation of police has received wide acknowledgement by Stability Pact partners, few activities have taken place. The KPSS has liaised with regional police training institutions, including Bosnia, Macedonia, and Serbia to share experiences and curriculum and to initiate co-operation in counter-terrorism and serious

crimes. However, these initiatives should be significantly increased and may be better co-ordinated through the Justice and Home Affairs Council of the European Union, the OSCE's Special Police Matters Unit, or the SPOC, and focus particularly on trans-border issues.

Abundant experiences in the field of conflict resolution have proven that bottom-up approaches to transforming conflict are crucial in fostering self-sufficiency and producing viable and sustainable peace. Central to this approach is the participation of local people in the process. Typically, however, prescriptive top-down processes imposed from above by the international community (exemplified by UNMIK), which tend to overlook the cultural contextual issues and local resources and mechanisms, are favoured over grassroots activities.<sup>124</sup> A bottom-up approach to crime and conflict prevention, initiated by local communities and working along side KPS Officers, is one track in a multi-tracked approach to combating organised crime. Solutions will be achieved through the empowerment of participants (citizens and police) and enhanced local control of the legal system by the communities. A comprehensive strategy for combating organised crime would involve multiple actors operating at the top, middle and grassroots levels and engaging in a variety of activities.

The international community must, therefore, continue to support the vital work in training and developing the Kosovo Police Service, as declared in the 4742<sup>nd</sup> UN Security Council Meeting on 23 April 2003<sup>125</sup>. Shortcuts such as reducing the length of training, leaving judicial reform to be dealt with later, failing to build management and command systems to keep pace with the deployments or failing to provide ongoing support beyond the typical short-term period of a peace process may lead to problems.<sup>126</sup> The international community must coordinate and share the responsibility of ongoing bilateral support until

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<sup>124</sup> For a more comprehensive discussion of top-down and bottom-up approaches to peacebuilding, see John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, United States Institute of Peace, Washington, DC, 1997.

<sup>125</sup> See the speeches by the Assistant Secretary-General for Peacekeeping Operations, and the Representatives for the Russian Federation and United Kingdom

<sup>126</sup> Rachel Neild, "Democratic Policing", in *Peacebuilding: A Field Guide*, 2001, p. 416-427.

transfer of responsibility to local authority can be made effectively and until there is evidence to support the notion that effective democratic, community-based policing in Kosovo is contributing to the prevention of conflict, eradication of organised crime and promotion of social, political and economic stability in Kosovo and SEE.

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## **SOME REFLECTIONS ON THE STABILITY PACT INITIATIVE TO FIGHT ORGANISED CRIME**

### **Introduction**

The assassination of Serbian Prime Minister Djindjic in March 2003 showed the devastating role of organised crime in South Eastern Europe (SEE). International analysis and discussions with representatives from the region have confirmed that one of the most serious problems within the region is transnational organised crime. Terrorism's link to organised crime has been confirmed and condemned. The close connection of international terrorism to illegal arms and drug-trafficking and money laundering needs an adequate response: enhanced co-ordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to this threat. The lack of coordinated action has enabled organised crime to reach devastating levels, undermining democratization, human rights, respect for the rule of law and trust in investment and reform efforts. The overall stability and sovereignty of SEE countries is endangered by organised crime groups who have infiltrated high level political positions, making identification, arrest and prosecution of their members even more complicated.

Ever since the feeling of urgency spread to tackle the issue of organised crime, various international institutions and agencies have developed solutions. This paper will elaborate on actions initiated by the Stability Pact's office for South Eastern Europe. It will redraw the history of the fight against organised crime, introduce its working structure and allied actors. It will also address the current obstacles in the development of a joint strategy which is ready for implementation.

## **History of the Stability Pact Initiative to fight Organised Crime (SPOC)**

Over two years ago, the Special Coordinator of the Stability Pact for South Eastern Europe (SCSP) determined that support and assistance to SEE countries required coordination on multiple levels simultaneously. In order for such action to be undertaken as efficiently as possible, upon the decision of the Regional Table of the Stability Pact for SEE and under the framework of Working Table III, the Stability Pact Initiative to fight Organised Crime (SPOC) was created.

The overall objective of the SPOC initiative is to strengthen regional capacities to combat organised crime in accordance with internationally recognized standards. The initiative focuses on the adoption of policies, strategies and legislation, the development of multi-disciplinary inter-agency coordination mechanisms, encouraging the establishment of specialized units and the enhancement of regional and international co-operation.

In this respect, a Regional Steering Group and an Advisory & Contact Group, composed of high-level representatives of SEE countries and of representatives from the EU countries and institutions and from the international community were established. Governments of the region were asked to appoint representatives responsible for the implementation of the initiative in co-operation with key law enforcement and judicial authorities using a multi-disciplinary approach. Reviews of existing information on organised crime and meetings to discuss measures to counter organised crime followed. The final aim was to design needs assessments and country-specific priorities, work plans, technical assistance programs and measures to promote regional co-operation. This aim was not achieved by the time of the London conference in late 2002.

### **The London Conference**

The necessity to fight organised crime in SEE was reaffirmed by the countries of the region at the London Conference against Organised



Crime by the adoption of the London Statement on Defeating Organised Crime in South Eastern Europe, which stated that the countries “will draw on the wide range of regional initiatives, including the Stability Pact for South Eastern Europe”.

The London Conference Statement priority action includes:

- Legislative and institutional harmonization with European standards;
- Adoption of laws which help crime-fighting agencies to work more effectively;
- Ensure law enforcement agencies have proper technical means;
- Strengthening capacity for financial investigations;
- Implementing anti-corruption strategies;
- Build public support for action against crime;
- Improvement of regional co-operation.

Although not a binding treaty under public international law, the London statement recently gained higher value due to the conditionality between serious implementation and further European integration.

### **Stability Pact Initiative to fight Organised Crime working structures**

Shortly after the Conference, the Stability Pact formulated concrete policies regarding the combat against organised crime and opened the SPOC Secretariat in Bucharest. In parallel, measures were initiated to simplify the existing working structures by merging the Regional Steering Group and the Advisory & Contact Group into a SPOC Board. In May 2003, the Head of the International Law Enforcement Cooperation Department of Austrian Federal Ministry of the Interior was elected chair of the SPOC Board.

## **The Stability Pact Initiative to fight Organised Crime Board**

The board will normally meet approximately twice a year, with the next meetings scheduled for June and November 2003. The chair will invite representatives of the SEE states, principal IOs, the EU, major donor countries and NGOs active in the research field against organised crime. In general, the board is open to all actors who intend to commit their efforts to combat organised crime in SEE: representatives from the law enforcement community, the legal community, the academic world, regional expertise and the donor community. It is expected that the present composition will be broadened.

In order to gain an overview of all activities against organised crime in the Balkans, actors were approached which either did not play an active role so far or were not included at all. Among them were the Organization for Security and Cooperation in Europe (OSCE) and the United Nations Office on Drugs and Crime (UNODC). Additionally, the USA was called upon to engage itself in this issue. With the intention of closing the circle of SEE participants, first steps were initiated to include representatives of Kosovo's law enforcement community. At this stage, UN Mission in Kosovo (UNMIK) and/or OSCE mission staff members are expected to represent the territory's interest in tackling organised crime.

Over and above attracting new players, the chair in conjunction with the Secretariat and the Stability Pact office in Brussels has to focus on maintaining the active involvement of the current and former SPOC members. The partly complicated structures of the Stability Pact require constant communication between National Coordinators (representatives appointed by their governments for all matters concerning the Stability Pact), SEE diplomatic staff members in their representations in Brussels, officers of the local ministries of the interior, justice and foreign affairs. On top of all these potential partners, one needs to add officers from the local police apparatus and the judiciary. However, all these representatives may not guarantee the determination of appropriate action, its implementation and follow-up. The regular change of staff members, complicated hierarchies and the eventual lack of political will hamper consequent participation by dedicated personalities. What can be

observed at the SEE states can not be excluded for the international community. Taking into account different levels of devotion within bigger authorities, it is sometimes hard to identify personalities who provide all conditions to take part in the joint combat against organised crime. Hence, it is expected that some time will pass until engaged individuals who represent competent agencies make the right composition of SPOC to tackle this issue of utmost importance.

### **Stability Pact Initiative to fight Organised Crime Working Groups**

Ideally, the SPOC Board members will form working groups along selected technical and legal issues related to the fight against organised crime. The chair, in cooperation with the SPOC Secretariat and the SCSP's Working Table III, will facilitate a dialogue between SPOC board members who wish to commit themselves through a working group.

They will formulate common interests, give advice for launching joint projects and monitor implementation. As indicated above, partners will be drawn from -but are not limited to- EU member states, Non-EU Stability Pact partner states, The European Commission, Europol, Interpol, The Council of Europe, The UNODC, OECD, The South East European Cooperation Process (SEECF), The Central European Initiative (CEI), The South-East European Cooperative Initiative (SECI) and the Research Centre on Transnational Crime in Trento, Italy.

Below, I elaborate on how working groups should be formed in line with their state of legislative harmonization and technical development to deserve further European integration. Plus, three basic fields of concern will pre-determine where and how working group members should become engaged.

### **Stability Pact Initiative to fight Organised Crime Secretariat**

The SPOC Secretariat has been operational from the beginning of 2003. It is located in the premises of the South Eastern European Cooperative

Initiative's Regional Center for Combating the Transborder Crime in Bucharest (SECI Center). It consists of, but it is not limited to, a Head of the Secretariat, a Judicial Expert and an Assistant. The SPOC Secretariat acts as a support body for the practical implementation of the objectives of the SPOC Initiative. It will support and advise the SPOC Board and the Special Co-coordinator of the Stability Pact. In 2003, the Secretariat initiated a number of activities with SPOC board members.

It enhanced relations with aforementioned international, European, regional and national actors; the SPOC Secretariat's legal advisor started to analyze laws, decrees, international conventions and programmes, etc. The Secretariat also distributed the findings of the first regional needs assessment project of Transcrime University of Trento. It will elaborate on the proposed studies from Trento. The Secretariat launched an initiative to address the processing and protection of personal data. It is also engaged itself in collaboration with the Trafficking in Human Beings Task Force on the improvement of witness protection.

The Secretariat is also liaising with the SECI Center. The Center has been operational since January 2001 and now functions as a regional focal point for the communication and transmission of information in "real time" on cross-border crime. As of March 2002, 15 liaison officers (police and customs officers) from 9 SECI countries had been deployed to the SECI Center. Specialized Task Forces composed of police and customs officers from SECI Participating States have been organised and are operating in the region. The Task Forces include *inter alia* law enforcement experts from international organizations and SECI Supporting States. The Task Forces are aimed at combating a variety of transborder crimes including illicit drug trafficking, trafficking in human beings, customs valuation fraud, commercial fraud, financial and cyber crime, trafficking in small arms, trafficking in stolen vehicles and trafficking in radioactive and other dangerous substances. Hence, it is essential that the SPOC Secretariat maintains daily contact with the Center to create synergies between SPOC and SECI Center activities.

### **The Stability Pact for South Eastern Europe, Working Table III**

The office the SCSP provides expertise on legal and technical issues within its Working Table III's Sub Table on Justice and Home Affairs. The experts located in Brussels monitor the progress achieved by SPOC and ensure political support for the work of the Board through regular reports to the SCSP.

In addition, SPOC seeks to create synergies with other Stability Pact initiatives because some concrete features of organised crime were addressed through other on-going initiatives. The coordination with these activities is usually easy since Stability Pact staff members tend to exchange their information on a daily basis.

The Stability Pact Anti-Corruption Initiative's (SPAI) steering group addresses another phenomenon which undermines rule of law and the business climate. Although less active in tackling trans-border trends, SPAI contributes to the creation of local instruments that would generally allow it to address organised crime matters as well. Urgent measures were presented by ABA/CEELI and OECD to guarantee a de-politicized and professional public administration, to strengthen the rules related to conflicts of interest, to intensify the role and capacities of police and prosecutors, to screen the legal system in order to eliminate provisions which might favour corruption (particularly in public procurement) and to develop internal and external auditing. SPAI did decide to place a secretariat in Sarajevo. The experience of the SPOC Secretariat's set-up will be taken into account for this office in Bosnia and Herzegovina's capital.

The Stability Pact's engagement with the Trafficking in Human Beings Task Force is mainly to facilitate regional and international cooperation through the respective secretariats seated in Vienna. Cooperation with the Task Force is essential since it is combating one of the most notorious features of organised crime. Moreover, the Task Force provides already valuable experience when it comes to special attention granted to victims and witnesses. Currently, it is drafting a regional agreement on temporary residence for trafficked victims.

The illicit spread of Small & Light Weapons (SALW) is also linked with endeavours to fight organised crime. The Belgrade-based South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) – a joint project of the UNDP and the Stability Pact – is fully operational and assists in developing programs for reducing illicit SALW proliferation. Active throughout the region, SEESAC has contributed to the destruction of a significant number of weapons.

Last, but not least, organised crime issues matter as far as the Stability Pact's Investment Compact and Business Advisory Council (BAC) work are concerned. The participants of the Compact and BAC voiced concern on the distrust of international potential investors for the region. Hence SPOC complements and shares valuable experience with these activities as well.

Under the Stability Pact's Police Forum initiative, the Association of the European Police Colleges (AEPC) develops training modules in line with London Conference commitments. The new created Association of the Police Chiefs in SEE (SEPCA) might join these activities. From SPOC's view, police training programmes could be of high significance for capacity-building activities for SEE law enforcement officers. Hence, SPOC welcomed the proposal by Austria, Switzerland and Norway of a programme called Organised Crime Training Network (OCTN). OCTN will take place under the Forum's umbrella. Beneficiaries of the training components will be middle management police officers in charge of organised crime matters.

The Stability Pact regards effective control of borders as an essential precondition for security and stability in the region. Border control of the "Schengen type" is a necessary precondition to economic development, especially in connection with efficient customs service, and the utilization of the Free Trade Area policy. Effective border management plays an equally vital role in combating illegal migration, trafficking of human beings, drugs, arms and other forms of regional organised crime activities. To balance this complex issue, key international players and SEE governments started to become involved. The Pact has offered to serve as an "umbrella" to the process and provide auspices for continued joint work with three main partners – EU, NATO and OSCE. The

pragmatic and flexible nature of Working Table III provided for an excellent framework in that regard. Effective border management in accordance with established EU standards is the ultimate aim of all SAP countries. Hence, the goal of the process has been defined from the beginning as “establishing open but controlled and secure borders in the entire region, in accordance with European standards”. The achievement of effective border management must ensure tailor-made solutions. The situation in the sub-region called for NATO involvement. In these areas cross-border co-operation of police and military has to be strengthened and fine-tuned in order to successfully combat all cross-border illegal activities. The OSCE’s role was also identified as important due to its practical experience in training of border police, institution building as well as promotion of regional and cross-border bilateral cooperation. NATO suggested holding an international conference in Ohrid on border security and management in SEE about a year ago. This conference took place in May 2003 and provided SPOC with new input and potential additional actors. Synergetic coordination with SPOC was deemed necessary regarding all activities in that field.

### **Stability Pact Initiative to fight Organised Crime at work**

SPOC actors discuss informally how best to tackle organised crime. All partners agree that a multileveled strategy should address, among other targets, the educational component and awareness campaigns for civil society, the adoption of properly adjusted legislative tools, the strengthening of institutional capacities, the training of specialists, and the development of a direct and fruitful co-operation, both at the international and regional levels. Regular monitoring should be conducted in order to assess the impact of the anti-organised crime policy and to identify further needs and priorities.

SPOC needs to ensure complementarity with the Stabilisation and Association Process (SAP). This follows the line of the Informal Consultative Committee and the Stability Pact where mutual complementary roles of the Pact and the SAP were envisaged. With its broad scope, the Stability Pact aims at overcoming the legacies of the conflicts of the 1990s and is horizontally including all countries of the

region. It is a primarily political initiative to streamline existing efforts to assist SEE on its way to political, economic and security integration as well as to encourage and strengthen co-operation between the countries involved. In relation to the SAP, the added value of the Stability Pact is particularly evident in enhancing regional cooperation, thereby strengthening the regional component of the SAP. It is fostering regional ownership and eventually leadership, most visibly through full participation of the countries of the region in all Pact activities. The Pact is acting as a political coordination forum for the main international players, thereby delivering important additional donor support and enhancing burden sharing in the jointly-elaborated stabilisation efforts. While SAP and Stability Pact are thus in general complementary by design, there are a number of specific ways in which the Stability Pact complements the SAP. With its more encompassing approach, it can embed SAP activities into a wider context by enhancing regional dialogue on a specific subject such as the combat against organised crime. Designed as a flexible instrument, SPOC can function as a "laboratory" for certain activities, and after generating sufficient political momentum in the region and among donors, help prepare the ground for regular European Commission support or other solutions. In sum, SPOC deems close coordination with the European Commission as essential when formulating future projects.

As mentioned above, the initial priorities of the SPOC Initiative are data exchange and witness protection. The reason to concentrate on these issues is the necessity to enhance communication between EU member states and EU institutions such as Europol and the SEE region, be it bilaterally or with regional law enforcement community actors. Data exchange can take place only under the condition that the region provides a system of data protection in accordance with European standards and best practices. Therefore, the processing/protection of personal data and witness protection were chosen to be kick-off projects in order to harmonize laws and technical cooperation.



## **Stability Pact Initiative to fight Organised Crime in the near future**

### *Mapping the approach*

When planning action against organised crime, first of all a determination on the definition of organised crime is needed. SPOC uses the generally accepted definition which requires an on-going criminal enterprise by multiple actors who act in conspiracy. Additionally, the goal of the criminal enterprise must be economic, not political gain. However, in order to be considered an organised crime operation, the enterprise must participate in or be willing to participate in criminal acts, and use violence to protect and promote its interests. Some economists argue that organised criminal enterprises must be "clubs" in the economic sense that they can exclude some people and provide benefits only to members. Others argue that there must be a hierarchical structure.

Anyway, the generally agreed definition would fit for a lot of activities in SEE. For instance, professors belonging to a scientific council of a faculty may well determine prices for selling exams, diplomas or even PhDs to students. Although these may be regarded as serious crimes since society is endangered of being equipped with incompetent future decision-makers, the lack of violence is obvious. This may change if teachers abuse examinations for the sexual exploitation of female undergraduate. In cases where female students are asked for "individual extra" attempts in the professor cabinets, one might classify such common acts in SEE as serious crimes. However, it is hard to prove that these practices constitute a conspiring approach by a group of teachers. Another example may be seen in the dubious relation between local party leaders, political decision-makers such as mayors and management board members of power supply facilities. Often, only a few individuals are able to determine in a non-transparent manner the price for electric or water supply in local communities. Thus, they contribute to the impoverishment of average citizens in SEE. However, focus on those illicit activities would overlook the Stability Pact's regional scope, meaning to address regional issues and thus complementing to the entire integration of SEE. However, the above-described activities might be of concern for SPOC if illicit money is laundered in other parts of the

region. In any case, although fully aware of the high criminal potential of the described phenomena, SPOC will concentrate on crimes which are of transborder character, i.e. drug, weapons and women smuggling routes etc.

The SEE region is not homogenous. Though cultural and historical values may be common assets, the countries in the region are on different stages of development and each has particular problems and specific issues to address, especially in the fight against organised crime. This heterogeneity needs to be seriously taken into consideration when developing anti-organised crime policies.

Concretely, this means to differentiate between the stages of development in legal and institutional reforms between the SEE states. According to the SPOC Secretariat's research, three groups can be drawn. The first would consist of Greece, Slovenia and Hungary. The second embraces Romania, Bulgaria and Croatia. The third group would be composed of Serbia and Montenegro, Bosnia-Herzegovina, Albania, the former Yugoslav Republic of Macedonia (FYROM)<sup>127</sup> and Moldova. The differentiation between these groups is essential when designing concrete projects. Especially, EU financed projects require exact pre-defining of the status of beneficiaries. But also in terms of internal SPOC overview and programme management, it is of importance to keep the different levels of development in mind.

Horizontally, anti-organised crime measures need to be differentiated by their nature and character. When analyzing various international documents, treaties or conventions, tackling organised crime comes down to three major required activities. First is the creation of a legislative system which allows the fight against organised crime. Secondly, the fight against organised crime can only be successful if technical conditions are met to allow enforcement. And thirdly, public opinion needs to support the authorities' fight against organised criminals. In order to ensure the success of the working groups, joint efforts in the fight against organised crime should be grounded in capacity-building and enhanced international and regional cooperation. Within this frame, focus will be on:

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<sup>127</sup> Turkey recognizes Macedonia under its constitutional name.

- Legal harmonization
- Effective enforcement
- Partnership with the civil society

### *Legal Harmonization*

The successful prosecution of one person in one country is unlikely to impact continuing criminal activities of a criminal group operating within the region. No country in SEE provides sufficient legislative tools or the institutional capacity to successfully investigate and prosecute multi-jurisdictional crimes. Without the requisite criminal legislation allowing multi-jurisdictional investigations and prosecutions, the creation of a secure environment, the promotion of rule of law, of economic and social well-being in SEE cannot be assured.

Legislation needs to address not only the criminalization of various forms of organised activities, but also to provide the necessary procedural tools for their efficient investigation, prosecution and trial in accordance with European standards.

The legislative tools necessary to investigate, prosecute and bring to trial multi-jurisdictional organised crime cases include, but are not limited to, legislation on:

- Protection and processing of personal data;
- Witness protection, including aspects of protection of victims, not only for the duration of the criminal process, but beyond that point as well;
- The use of special investigative techniques: interception and monitoring of telecommunications (including those conducted by computer networks, audio and video surveillance of private and public premises), covert search of private premises, controlled delivery, use of tracking or positioning devices, use of undercover investigators, disclosure of financial data;
- Criminal liability of legal persons, because various entities, such as associations or foundations, can cover illicit operations;

- Effective disclosure of financial data and control of money laundering operations and recognition of electronic evidence as viable evidence in the court;
- Confiscation or seizure of proceeds from crime;
- Common standards on the collection, preservation and use of evidence as to allow evidence collected in one country to be used in the criminal proceedings in another country;
- The execution of penal sentences, extradition of suspects of organised crime activities, mutual legal assistance and multi-jurisdictional task forces.

### *Ensuring effective enforcement*

Most SEE countries lack specialized bodies for the investigation and prosecution of organised crime activities. There is an absence of effective inter-agency and inter-institutional cooperation. In addition to insufficient logistical support and deficiencies in training.

The solution lies in strengthening institutional capacity to fight organised crime. Multi-disciplinary national coordinating mechanisms need to be established throughout the region, which should be primarily responsible for ensuring the enforcement of the anti-organised crime policy, especially of the prevention component.

In-country co-operation between agencies involved in measures for fighting against organised crime must be improved. Joint teams or task forces – consisting of representatives of various agencies: police, customs, border police, prosecutors' offices, judicial experts, etc. – should be set up for the investigation of the most serious forms of organised crime.

Any attempt to structurally dismantle organised crime groups and operations is bound to fail if insufficient human and logistical resources are provided. This constitutes one of the most serious problems for the region, as both experienced specialists and proper technical and financial resources are insufficient. SPOC will mediate assistance requests from SEE countries, based on concrete assistance projects and national reform

priorities. Training seminars and study visits can be developed in the same manner.

### *Promoting the Partnership with civil society*

Civil society is now a key player in any anti-crime policy, especially in its preventive component. Ultimately, state institutions work not only for the society, but also with the society. NGOs, mass media, the business community and the society as a whole must be involved in all stages of the process of fighting organised crime. Partnership with civil society should be developed by promoting education campaigns, including vulnerable targets, such as children and women. Also, informing the civil society of the results of important investigations and actions in order to promote transparency with respect to the work of the public institutions is a must.

Public relations work will address the SEE audience in terms of the region's role in providing transit for organised criminal action. Campaigns shall stress that Europe is fully aware that organised crime groups created multi-ethnic empires eroding SEE states. It should be clearly stated that SPOC is conscious of the fact that groups managed to place followers in highest ranking decisions. Signals should be sent that further integration is not possible if the issue of organised crime is locally dealt with as a minor obstacle. The devastating effect of organised crime towards investment should be underlined as well. In sum, SPOC will be firm in its message that further accession will not be rubberstamped.

Secondly, SPOC should also address the wrongly-held belief in SEE that negative effects take place only at the destination (the current EU member states). Insecurity, raising rates of drug addicts or stolen vehicles within SEE prove that a former transit phenomenon spills over on the concerned route countries.

## **Expected Obstacles**

I indicated above that various obstacles can be expected when setting up an effective initiative against organised crime. As far as it is possible to judge, three major difficulties need to be overcome:

- Communication and efficient engagement within SEE countries
- Cooperation between SEE countries
- Commitment by the international community

When describing the composition of the SPOC board, the difficulties to engage the right representatives were pointed out. This will stay on the agenda of the SPOC chair, the Secretariat and the experts of Working Table III. The lack of efficient sharing of information between authorities within one country hampers communication between the SPOC working structures and the region. It delays the involvement of competent individuals and administrative or judicial bodies in SEE. Hence, it delays action against organised crime. The inclusion of committed representatives will serve as the litmus test of the political will from the region. While shortcomings in the administration's management can be excused for a considerable period of time, the constant negligence to participate in the fight against organised crime cannot. The latter would even lead to the assumption that local authorities have good reasons to give the combat against transborder crime a low priority.

Secondly, SEE states need to communicate with each other. Organised crime groups work by exploiting the lack of multilateral cooperation. For example, traffickers from Romania may recruit their victims in Moldova. Smuggled through Bulgaria and Serbia, they may get trafficked by Bosnian Serbs and Slavic Muslims to a Croat-dominated area in Bosnia-Herzegovina. The profits of these activities may be laundered by Albanians in FYROM or Montenegro. This simple example shows the involvement of various countries. However, the state authorities involved do little to investigate these activities. While it is politically understandable that each SEE state wishes to communicate directly with EU institutions or authorities in EU member states, the lack of regional cooperation harms common aims such as the fight against

organised crime. Therefore, they are better advised to overcome former rivalries on their way to European integration by taking joint views and determining joint action.

The third obstacle can be expected within the various actors of the international community. The advantage of organised criminal groups lays in its efficient profit oriented approach. Illicit activities do not necessarily match the mandates of international or European agencies. While other post conflict phenomena could have been addressed through a range of international actors and specific instruments (i.e. fostering return of refugees or displace persons through UNHCR, OSCE, OHR etc.), the fight against organised crime lacks efficient instruments and specialised international actors. Although the work of Interpol, Europol, SECI Center and others is crucial, investigation, enforcement and prosecution remains within the domestic responsibility of local authorities. Thus, assistance from the international community is limited from the beginning. Additionally, potential assistance from international and European actors needs to be well defined in terms of mandates, structures and funding options. While some local needs might fall through a funding gap because no agency feels responsible to reply to the requirements, other requests may not meet satisfaction due to general donor fatigue for the SEE region. Another obstacle in this regard constitutes the lack of local management in SEE which is sometimes barely understood from without. Hence, patience and capacity-building expertise is required of international actors when formulating and implementing projects with partners in the region. SPOC is devoted to bridge the aforementioned obstacles through its constant facilitation of dialogue between the numerous players in the fight against organised crime.

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## **COMBATTING CRIME IN SOUTHEASTERN EUROPE: AN INTEGRATED, COORDINATED, MULTI-LEVEL APPROACH**

### **Introduction**

Before I begin, let me articulate some basic assumptions underlying organised crime:

1. Organised crime is probably better *organised* than are all the efforts to deal with it, which may explain in large part its persistence to some degree in many societies across the world (including in the U.S.).
2. Hence, we can never really eliminate -- or to use the preferred term of this workshop, "*crush*" -- organised crime. What we can do, however, is reduce its intensity and frequency of expression as a threat to the security of civil society.
3. Although organised crime is a worldwide phenomenon, it is an especially acute problem in structurally marginalized societies; e.g., "failed states" and states undergoing transition from one set of paradigmatic conditions to another.
4. Particularly for vulnerable societies, organised crime is *opportunistic* -- as are many diseases (physiological and social). What this means is that we should focus on reducing the opportunities -- i.e., personal motivations and structural incentives -- for organised crime to develop into a significant force threatening the security of civil society, especially in the transitioning societies of Central and Eastern Europe and the former Soviet Union.

5. A major problem, however, is that organised crime is not a simple, unidimensional problem to be dealt with in a simple way. It is complex, overlapping and linked with warlordism and terrorism (e.g., in Afghanistan, Columbia, the Balkans, Northern Ireland, and in the not-too-distant future, probably in Iraq as well). What this means is that to deal effectively with any one of these problems, we have to deal with the others as well -- either at the same time or sequentially -- because each one feeds off the others.

As one generic example of such linkage, we have the following account by the International Crisis Group (ICG) of Africa's "first World War" in the Democratic Republic of the Congo (DRC):

At one level it is a conflict between two regional allies -- a "Great Lakes" alliance of Rwanda, Uganda and Burundi, versus one of Angola, Zimbabwe, and Namibia. On another level, it is a violent mixture of national civil wars, including those of Rwanda, Uganda, Burundi and Angola, all of which are partly fought on Congolese soil. Finally, in the midst of this chaos, the Congo's own stew of ethnic feuds has sparked an explosion of bloodshed in the eastern part of the country. All of these conflicts feed and reinforce one another, and together risk to transform the Congo into a patchwork of warlords' fiefdoms (ICG, 2000, p. 2).

We can add to this mix the Western and other entrepreneurs who have an interest in keeping these complex conflicts ongoing, in order to continue to access and extract their "blood diamonds" and other precious resources for profitable sales worldwide. In a similar manner, organised crime, warlordism, and terrorism feed off each other in South Eastern Europe and elsewhere.

6. Because we have in this workshop a complex, multi-thematic subject matter, we have to deal with it in a way that captures that complexity.

Such an approach is what I attempt to articulate in this paper.

## **Organised Crime: The 'Nature Of The Beast'**

By "organised crime" I mean, for example, trafficking in women and children, drugs, and weapons (including weapons of mass destruction); and money laundering, plus some of their consequences: prostitution, "white slavery", political corruption, and political violence (e.g., the recent assassination of Serbian Prime Minister Dr. Zoran Djindjic).

In this kind of political landscape, organised crime bosses = warlords = terrorists: Not only are there similarities and spillover among the three roles, but sometimes they are occupied by one and the same person (e.g., in Afghanistan, Columbia).

*Implications of organised crime include:*

1. Members of the international community are reluctant to invest in infrastructure, including economic reconstruction. This is based in part on a fear that the NATO-led SFOR (Stabilization Force) in Bosnia and KFOR (Kosovo Force) in Kosovo will be prematurely withdrawn, either due to "donor fatigue" or because political leaders like U.S. President George W. Bush have threatened in the past to withdraw their forces. And if U.S. forces were to withdraw, others would be sure to follow.
2. Lack of investment in such societies facilitates conflict dynamics conducive to perpetuation of a Hobbesian "state of nature," where (e.g., in Columbia, Afghanistan, and most recently, Iraq): men live without a common Power to keep them all in awe, ... in that condition which is called Warre; and such a warre as is of every man against every man ... where the life of man [is] solitary, poore, nasty, brutish, and short (Hobbes, 1950, pp. 103, 104).
3. Such turmoil further dissuades the international donor community from making significant investments in economic reconstruction.

4. This, in turn, enhances recruitment of locals into organised crime because there are no meaningful alternatives. A case in point: the shocking unemployment rate of 73 percent and poverty rate of 50 percent (of the population of 4.3 million) in the Soviet successor state of Moldova, undoubtedly explain in part the trafficking of Moldovan women to Western and Eastern Europe, the former Soviet Union, and the Middle East (Revenko, 2003).

*Specifically regarding Moldovans trafficked to Kosovo:*

International Organization for Migration (IOM) statistics reveal that, between February 2000 and September 2002, 53 per cent of the known victims trafficked to Kosovo were from Moldova. About a quarter were from Romania and 13 per cent were from Ukraine, Albania, Bulgaria, Kosovo and the Russian Federation accounted for very small shares.

Of the 322 people assisted by the IOM during this same period, almost 70 per cent came from either "poor" or "very poor" circumstances. Nearly 80 per cent had fallen prey to false job promises, while eight per cent had been kidnapped (OSCE Newsletter, 2003, p. 11) (also see *Trafficking in Human Beings in Southeastern Europe*, 2002).

Acutely stressed countries like Moldova are often further characterized by "frozen" intrastate conflicts (see Vorkunova, 2001), plus a self-perpetuating, "no way out" dynamic, where:

- a. Underground economies result from scarce resources and roles.
- b. Scarce resources and roles are exacerbated by a lack of investment in sustainable development.

## **A Practical Need To Do Something:**

Because of the scope of the problem - and of the overlap and spillover between organised crime, warlordism, and terrorism - there is clearly a practical need to do something about organised crime and its correlatives in South Eastern Europe and elsewhere.

To begin to pursue such a daunting goal, however, we need, first of all, an underlying philosophy to guide the effort. As Anatol Rapoport (1974) reminds us, we need to first have an image of something before we can attempt to achieve it. Are we, for instance, "*crushing*" crime (*Realpolitik*) or "*combatting*" it (*Idealpolitik*)?

If we are "crushing" crime, then we are responding "reactively" in *Realpolitik* terms only to its symptoms. Such an approach has characterized the U.S. and its allies in Afghanistan who "smoked out" the Taliban and al Qaeda operatives. It also characterizes Israeli assaults on occupied Palestinian refugee camps following suicide bombings, plus Russian actions in Chechnya. In such situations, a predominant use of force -- and in these particular cases, *against Muslims!* -- tends to become more a part of the problem than of the solution.

If however, we are "combatting" organised crime, then, in *Idealpolitik* fashion, we are also "proactively" dealing with its underlying root causes and by extension, those of warlordism and terrorism as well (see Sandole, 2002b).

## **The 3 Pillar Framework**

To facilitate dealing with underlying causes and conditions *as well as* symptoms of violent conflict in general -- which includes organised crime, warlordism, and terrorism -- I have developed the *3 pillar framework for mapping conflict and conflict resolution*, where:

**Pillar 1** deals with the **elements of conflict** (such as parties, issues, objectives, means, conflict-handling orientations, and conflict environments).

**Pillar 2** deals with **conflict causes and conditions** (operative at, for example, the individual, societal, international, and global-ecological levels). And

**Pillar 3** deals with **conflict intervention** (featuring 3rd party goals such as violent conflict prevention, management, settlement, resolution, and transformation; plus 3rd party means for achieving these goals, such as confrontational and/or collaborative measures, "*negative peace*" and/or "*positive peace*" orientations, and track 1 and/or multi-track actors and processes) (see Sandole, 1998b, 2002ab, 2003).

### **An Application of the 3 Pillar Framework: NEPSS**

As part of my long-term effort to design peace and security architecture to prevent future Yugoslav-type conflicts in post-Cold War Europe, I have employed the 3 pillar framework as a basis for developing the new European peace and security system (NEPSS) (see Sandole, 1998a, 1999a, 1999b [Ch. 7]).

NEPSS comprises descriptive and prescriptive elements; i.e., developments that are actually occurring as well as those that could or should occur, respectively.

Descriptively, NEPSS makes use of existing international organizations in Europe -- e.g., the Organization for Security and Cooperation in Europe (OSCE), European Union (EU), Council of Europe (CoE), and the North Atlantic Treaty Organization (NATO) -- using the basic structure of the OSCE as a conceptual and operational framework for enhancing the complementarity and synergy of all mechanisms working together on common problems.

Within this framework:

1. NATO represents an example of *political* and *military* aspects of a reframed, more comprehensive sense of security;
2. The EU an example of *economic* and *environmental* aspects; and

3. The CoE offers an example of *humanitarian* and *human rights* aspects of comprehensive security.

More importantly, each of these heretofore Cold War institutions has been reaching out to its former enemies, inviting them to either become members and/or join together in constituting new, post-Cold War institutions (e.g., NATO's Euro-Atlantic Partnership Council [EAPC] and the Partnership for Peace [PfP]: both major components of the infrastructure of the Reichenau Workshops).

This outreach has had the effect of facilitating a genuine "*paradigm shift*" from *Realpolitik*, "zero-sum" *national* security to *Idealpolitik*, "positive-sum" *common* security among former Cold War enemies.

But revolutionary though these developments have been, all these organizations are basically *inter-state* in nature, while the problems posed by conflicts in former Yugoslavia and elsewhere are essentially *intra-state* in nature, although, as in organised crime, warlordism, and terrorism, with inter-state dimensions as well. Hence, there has been a need for something else to deal with the conflicts of the post-Cold War world, as well as organised crime, warlordism, and terrorism. This is where the prescriptive element enters the picture.

*Prescriptively*, NEPSS is characterized by "Integrated Systems of Conflict Resolution Networks", with vertical and horizontal components. Under the *vertical*, we would have a mapping of, say, South Eastern Europe in terms of the local, societal, subregional, regional, and global levels of analysis, with *track-1* (governmental) and *track-2* (nongovernmental) actors and processes corresponding to each level.

The idea here is that "all conflicts are local". And, assuming an *early warning system* to activate the *preventive diplomacy* envisaged by Michael Lund (1996) and others (e.g., Peter Wallensteen, 1998), conflicts developing at any local level could be responded to by a synergistic combination of track-1 and track-2 resources at that level -- plus, to the extent necessary, societal, subregional, regional, and global levels as well.

Should the vertical dimension fail to prevent "the house from catching on fire", then there could be a need for the *horizontal* dimension to be activated: the judicious use of *Realpolitik* force, but basically within an *Idealpolitik* framework, to achieve *negative peace* (put the fire out) but only as a "necessary" (although not "sufficient") condition for achieving *positive peace*: the elimination of the underlying causes and conditions!

Louise Diamond and Ambassador John McDonald (1996) -- founders of the Institute for Multi-Track Diplomacy (IMTD) in Washington, DC -- have expanded the track-1/track-2 system into the "*Multi-Track Diplomacy Framework*", where:

Track 1 remains the realm of official, governmental activity, *peacemaking through diplomacy*, with track 2 (*writ large*) subdivided into the following tracks:

Track 2 (*writ small*) (nongovernment/professional): *peacemaking through professional conflict resolution*.

Track 3 (business): *peacemaking through commerce*.

Track 4 (private citizen): *peacemaking through personal involvement*.

Track 5 (research, training, and education): *peacemaking through learning*.

Track 6 (activism): *peacemaking through advocacy*.

Track 7 (religion): *peacemaking through faith in action*.

Track 8 (funding); *peacemaking through providing resources*. And

Track 9 (communications and the media): *peacemaking through information*.



Again, each of these nine tracks would correspond to the local, societal, subregional, regional, and global levels. For example, under Track 1, we could have:

- a. *Local:* Community policing.
- b. *Societal:* Community policing (see Duffey, 2003).  
European Union Police Mission (EUPM) to  
Bosnia (see Nothdurfter, 2003).
- c. *Subregional:* Stability Pact for South Eastern Europe  
(see von Münchow, 2003).  
Transborder Crime Fighting Centre in  
Bucharest, Romania.
- d. *Regional:* EU.  
Europol.  
CoE.  
NATO.  
OSCE.
- e. *Global:* Interpol.  
UN.  
United Nations Office on Drugs and Crime  
(UNODC) (see Baghdoyan, 2003).

Track 3 would deal with the all-important investments in economic and other infrastructure. Tracks 2, 4, 5, 6, and 8 would deal with various categories of funded, nongovernmental, training, humanitarian, and developmental advocacy and assistance. Track 7 would deal with the role of religion and religious organizations. And Track 9 would deal with the role of the media in combatting organised crime, warlordism, and terrorism.

The media are especially important as they can monitor and keep track of all the other tracks. When truthful or accurate, the media prove to be at least embarrassing to those -- including governments -- they reveal to be in egregious violation of basic human rights and the like. Under such

circumstances, the journalists involved risk their jobs and civil liberties, if not also their lives.

The OSCE's Representative on Freedom of the Media (RFM) plays a significant role in monitoring the status of media in all OSCE participating States, especially those in the transitioning societies of Eastern and Central Europe and the former Soviet Union. The RFM brings violations of democratic media standards to light through early warning on violations of free expression ... assist[s] participating States by advocating and promoting full compliance with OSCE principles and commitments regarding freedom of expression and free media [and when violations are uncovered] -- for instance ... obstruction of media activities and unfavourable working conditions for journalists -- the Representative seeks direct contacts with the participating State and other parties involved, assesses the facts and contributes towards the resolution of the issue (OSCE Annual Report 2002, p. 79).

The OSCE's RFM also publicizes its activities, further enhancing its visibility and effectiveness as a media watchdog, through its annual OSCE Prize for Journalism and Democracy, instituted by RFM Freimut Duve in 1996. The winner for 2003 was Russian journalist Ms. Anna Politkovskaya "for her journalistic courage in conflict regions." According to RFM Freimut Duve:

More than 50 times now, Anna has crossed the bridge into a war region that is considered a no-man's land for independent journalism. ... She felt obliged to go to Chechnya again and again. She felt obliged to publish her articles [for the Russian weekly Novaya Gazeta] in a book, *The Dirty War: A Russian Reporter in Chechnya* [2001] (OSCE Newsletter, 2003, p. 2).

Ms. Politkovskaya's response to the question, "What does this latest prize mean for you?", was:

All the awards I have received simply mean I have been doing the right thing. It's a difficult situation in Russia right now; there is great pressure on the mass media and any international recognition that a person receives is a kind of protection against Government and official powers.

I very much value the awards, as they help me continue my work in the pursuit of freedoms (ibid., p. 3).

In general, it would be useful, perhaps in the context of the Reichenau Workshops, to use the device of "scenarios developmental exercises" to elaborate on each of the nine tracks by exploring problems, "drivers" of those problems, plausible scenarios on their likely development, and strategies for dealing with them; i.e.,

- Phase 1:       problem identification (e.g., trafficking in women).
- Phase 2:       identification of factors that "drive" the problem (e.g., massive unemployment).
- Phase 3:       construction of a "scenario" that indicates how, over time, the "drivers" can shape the problem in either a positive or negative trajectory.
- Phase 4:       development of a "strategy" for either enhancing prospects for the "best-case" scenario or for undermining the "worst-case" scenario.

Individually, the nine tracks should be framed vertically and collectively, horizontally in terms of John Paul Lederach's (1997, p. 39) three levels of leadership: top-level, mid-level, and grassroots-level. In this manner, vertical and horizontal, as well as diagonal coordination can occur from bottom-up as well as top-down directions.

It is part of Lederach's overall argument that mid-level actors (e.g., ethnic/religious leaders, academics/intellectuals, humanitarian leaders [NGOs]) are best-placed to reach out to both the top (military/political/religious leaders with high visibility) and bottom levels of leadership (local leaders, leaders of indigenous NGOs, community developers, local health officials, refugee camp leaders) (ibid.).

The organizational actor best placed to facilitate such coordination would appear to be the "*Special Coordinator*" of the Stability Pact for

South Eastern Europe ([www.stabilitypact.org](http://www.stabilitypact.org)): A vertically mid-level entity which was the theme of last year's Reichenau Workshop (see Jurekovic, et al., 2002).

The Stability Pact, however, is still a "work in progress," with more promise than achievement. Hence, for it to be the "glue" that effectively holds something like NEPSS together and the "oil" which keeps it running smoothly, there will be a need for enhanced commitment -- "political will" -- and more resources. In effect, according to empirical studies of what kinds of third party interventions lead to what kinds of outcomes in civil wars conducted by Federic Pearson and his associates (2003) at Wayne State University in Detroit, there is a need for more *persistence* from the international community: "Provisions for third party guarantees are crucial in settlement outcomes, adding considerably to success probability" (ibid., p. 12). Or as *Newsweek's* Fareed Zakaria (2003) argues:

The key lesson of nation-building over the past decade is, don't leave. In Haiti and Somalia, we left. In Bosnia and Kosovo, we're still there. The corollary: keep sufficient force to maintain order. In Somalia and Haiti, the forces were too thin and too soon withdrawn; in Bosnia and Kosovo, large troop deployments remain for the long term.

As we have already noted, however, there is much more for the international community to do in Bosnia and Kosovo than remain only at the Track-1 level of military peacekeeping, significant though that clearly is.

## **Conclusion**

We are all in the "fight" together against organised crime, warlordism, and terrorism. "What goes around comes around," is a clear expression of the validity of *complexity theory*: that everything is connected to everything else, and with great sensitivity of initial conditions (see Waldrop, 1992).

Implication? We must all endeavor to protect the "Global Commons": a truly significant example of a *superordinate goal* that no one nation can achieve on its own, but only by working together with others (see Sherif, 1967). As Olga Vorkunova (2001, p. 123) put it:

Preventive diplomacy efforts are more effective when major powers, regional powers, and neighboring states consider uncontrolled conflict [plus organised crime, warlordism, and terrorist] escalation as a major threat not only to national and regional security, but to global security as well.

In other words, "global interests" are "national interests," and vice versa. But: whose business is it to protect global interests...? Who is going to worry about global problems such as war, poverty, unemployment, discrimination, alienation, and environmental decay? Our answer is, given the quasi-anarchical structure of today's international system, no one. In the meantime, concern with global interests will probably continue at the level of private national and international organizations, and among well-meaning academic and business people, who are at times dismissed unfairly as utopians, do-gooders, and eggheads (Couloumbis and Wolfe, 1986, pp. 122-123).

The main difference between now and when Theodore Couloumbis and James Wolfe uttered these sentiments nearly 20 years ago is that, with the end of the Cold War, the return of genocide to Africa and Europe, and the spectre of catastrophic terrorism, with implications for the use of weapons of mass destruction, global interests have evolved into a practical imperative and not just a theoretical or ethical issue.

Still, it seems to be the case that Track 1 tends to focus more on national than global issues, with the remaining Tracks picking up the slack. This focus/power asymmetry is likely to be counter-productive and self-defeating: the Israelis and Palestinians are clearly less secure now than they were before Ariel Sharon visited the Temple Mount in late September 2000; Russians and Chechens are less secure now than they were when the first Russian-Chechen war ended in 1996; and arguably, the Iraqi people are worse off now, even with the departure of the brutal dictatorship of Saddam Hussein - with rampant lawlessness, and lack of

electricity, water, and sanitation - than they were before the Americans and British invaded the country.

Until states - especially the world's pre-eminent and only superpower - shift or expand paradigms to at least complement their use of *Realpolitik* with *Idealpolitik*, leaving narrow-minded unilateralism behind as they coordinate among themselves and with Tracks 2-9 in concerted efforts to deal with the "Global Commons," organised crime, warlordism, and terrorism, among other problems, are likely only to worsen. Witness the recent Riyadh suicide bombings, and their impact on the Saudi government which views the attacks as "our 9/11"; the global fear and paralysis caused by the warnings of further "Holy War" on the West reputedly made by Dr. Ayman al-Zawahiri (a physician), al Qaeda's "no. 2 man".

As Gareth Evans (former Australian foreign minister) and Robert Malley of the International Crisis Group remind us with regard to the U.S.-Iraq war (ICG, 2003, p. 1):

Full assumption of authority by the U.S. would create a serious backlash in the region and, over time, in Iraq itself. A U.S. transitional overseer would provide a constant reminder of the lack of UN mandate for the war and, as we may already have seen, a recruiting tool for suicide bombers aimed at coalition peacekeepers and civilian aid workers alike.

The implication is clear: unilateralist ideology must catch up with multilateral reality.

Against the background of this categorical imperative, Ambassador Istvan Gyarmati (2003) reminds us that the Westphalian system of sovereign states is under assault by, among others, global terrorism and organised crime. Indeed, it is safe to say that Robert D. Kaplan's (1994, 2000) prescient anticipation of "The Coming Anarchy" a few months before the genocidal bloodbath in Rwanda is quickly becoming more the norm than the exception, with Martin van Creveld's (1991) image of the "new" warfare being more reflective of medieval than modern times.

Under the circumstances, we must strive to bridge the gap between unilateralist ideology (*national interests*) and multilateral reality (*global interests*).

Surely, we can do it. We even know that we can do it, as recent coordinated, transparent, information-sharing efforts by governments and others in South East Asia, North America, and Western Europe have shown with regard to "SARS" (severe acute respiratory syndrome) which, given its impact on fears, anxieties, economies, and markets worldwide, would have been the perfect act of global terrorism!

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